

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Filed by: Merits Panel
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Board of Patent Appeals and Interferences
United States Patent and Trademark Office
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Paper No. **43**

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FRANCIS C. CARROLL
Junior Party
(Patent Nos. 5,794,367 and 6,530,162)¹

v.

FARIS W. McMULLIN
Senior Party
(Application 09/246,325)²

FAXED

SEP 13 2004

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Patent Interference No. 105,146

Before FLEMING, LEE and MEDLEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

JUDGMENT- RULE 640

¹ Patent No. 5,794,367 was filed February 20, 1997. Patent No. 6,530,162 was filed February 23, 1998. With respect to Patent No. 6,530,162, the junior party has been accorded benefit of the earlier filing date of Patent No. 5,794,367. Junior party's real party in interest is Greenkeepers of Delaware, LLC.

² Filed September 2, 1999. Accorded the benefit of Application 09/209,252, filed December 10, 1998, Application 08/823,901, filed March 2, 1997, and Provisional Application 60/034,328, filed December 20, 1996. The real party in interest is Softspikes, LLC.

Interference No. 105,146
Carroll v. McMullin

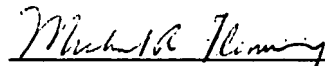
Based on our decision on preliminary motions issued in a concurrent paper, it is now appropriate for entry of judgment. It is

ORDERED that judgment is herein entered against senior party FARIS W. McMULLIN;

FURTHER ORDERED that senior party FARIS W. McMULLIN is not entitled to his claims 61-81 which correspond to the count;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.



Michael R. Fleming
Administrative Patent Judge


Jameson Lee
Administrative Patent Judge
Sally C. Medley
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 105,146
Carroll v. McMullin

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INTERFERENCE DIGEST

Interference No. 105,146

Paper No. 42

Name: Francis C. Carroll

Serial No.: 09/027,867

Patent No. 6,530,162, granted 03/11/03

Title: SPORTS SHOE CLEATS

Filed: 02/23/98

Interference with McMullin

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, Favorable Dated, 9/13/04

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.